

MINUTES

PROPERTY AND RIGHT-OF-WAY COMMITTEE MEETING THURSDAY, DECEMBER 16, 2004 10:00 A.M. CITY HALL 8TH FLOOR – COMMISSION CONFERENCE ROOM

Members Present:

Peter R. Partington, P.E., City Engineer
Tony Irvine, City Surveyor
Chris Barton, Planner II
Greg Thornburgh, PBS & Collections Manager
Maurice Murray, Community Inspections Supervisor, substituting for Lori Milano
Tom Terrell, Maintenance Manager

Staff Present:

Ed Udvardy, Manager of General Services
Victor Volpi, Senior Real Estate Officer
Maureen Barnes, Administrative Assistant I
Rafeela Persaud, Word Processing Secretary

Guests Present:

Joe Bellavance
Jeff Moos
Bob Tuthill
Danny O'Malley
Eric Thorne
Ron Mastriana
Michelle Mendez
Charles Medruno
Christopher Eric

Peter Partington called the meeting at 10:15 A.M. and stated that this is a Committee of City staff serving as an advisory panel to the City Manager on appropriate uses of City property and right-of-way. He stated that there would be no representation from the City Attorney's office for this meeting and would recommend to the Committee that no action should be taken in any complex items that require legal issues.

ITEM ONE: APPROVAL OF NOVEMBER 18, 2004 MINUTES

**MOTION BY TONY IRVINE TO APPROVE THE MINUTES. SECONDED BY TOM TERRELL.
MOTION PASSED UNANIMOUSLY.**

ITEM TWO: LEASE OF CITY OWNED PROPERTY, DANIA FARMS, INC.

Address or General Location: 704 N Federal Highway

Peter Partington stated that this item was removed from the agenda.

ITEM THREE: HISTORICAL PLAQUE IN RIGHT-OF-WAY, S.W. 9TH AVENUE

Address or General Location: SW 9 Avenue, south side of New River

Victor Volpi introduced item stating that the Historical Society, Parks and Recreation Board, and the Tarpon River Civic Association would like a positive approval to place a historical plaque in the right-of-way of S.W. 9th Avenue at New River. Victor Volpi introduced Joseph Bellavance. He stated that the historical plaque was to commemorate the Louis family.

Mr. Bellavance said that he would like to install a historical monument on the south side of the New River at 9th Avenue at no cost to the City. Victor Volpi stated that the appearance of the plaque would have a re-enforced concrete footer, would be on concrete block and located in the right-of-way which is a green area and a walk way to the New River.

Discussion followed as to the exact location of the placement of the monument, the overall height which would be 5-1/2 feet, the Citizens Recognition Committee, a similar monument placed on 4th Street and 7th Avenue (John Hill family) in the right-of-way/easement, maintenance of the monument via a license agreement with the Homeowners Association, and/or the Historical Society.

Mr. Bellavance said that the area would be kept in its natural state, and if necessary, volunteers from the neighborhood would maintain the area.

Tom Terrell questioned the physical maintenance (e.g., graffiti, vandalism). Tony Irvine said that there should be a document that would outline the maintenance. He said that his major concern was placing the monument in the right-of-way which would preclude the original use of the right-of-way. Tom Terrell asked about signage and the creation of a path for public use which would need to be reviewed by Engineering staff. Peter Partington asked if the pathways were included in the proposal. Mr. Bellavance said yes.

Christopher Eric, a representative from the County Historical Commission and Chair of the City's Historic Board, said that the existing fencing was already in place and approximately 3-4 feet from the paved area. Mr. Eric said that there is existing directional street signage and that the existing footpath would be covered with mulch. Victor Volpi asked about the Lewis Place signage which Mr. Eric said was conceptual. Mr. Eric said that they are looking for approval for the placement of the marker and it has been recommended for support by the Preservation Board, the Fort Lauderdale Historical Society, and the Broward County Historical Commission, etc. Tom Terrell said that the maintenance agreement should be with the Homeowners Association.

MOTION BY TONY IRVINE TO RECOMMEND CONCEPTUAL APPROVAL OF THE MONUMENT TO BE PLACED IN THE RIGHT-OF-WAY AS REQUESTED, SUBJECT TO: (1) AN ENGINEERING PERMIT AND STRUCTURAL REVIEW; (2) CITY ATTORNEY'S OFFICE WORKING OUT THE MECHANISM AGREEMENT WITH THE APPLICANT FOR THE PLACEMENT AND WITH THE

HOMEOWNERS ASSOCIATION AND/OR ANY OTHER RESPONSIBLE ORGANIZATION FOR MAINTENANCE OF THE MONUMENT AND ITS APPURTENANCES.

SECONDED BY GREG THORNBURG.

Mr. Eric said that he would work as a liaison. Tom Terrell said he would like to limit the maintenance responsibility to the Homeowners Association.

MOTION AMENDED BY TONY IRVINE TO LIMIT THE MAINTENANCE RESPONSIBILITY TO THE HOMEOWNERS ASSOCIATION.

MOTION PASSED UNANIMOUSLY.

ITEM FOUR: VACATION OF ALLEY, EVERGLADES LAND SALES COMPANY'S FIRST ADDITION

Address or General Location: alley between SE 15 Street and SE 16 Street, and S Federal Highway and Miami Road

Victor Volpi introduced item stating this item was deferred from the October 21 meeting to gather more information. He stated that Harbordale Development LLC would like a positive recommendation to vacate an alley in Block 11 of "Everglades Land Sales Company's First Addition", as shown in the Exhibit C. He said that they intend for the City to retain an easement over a portion of this alley for utility and access, with a turnaround. Victor Volpi introduced Ron Mastriana, Agent for the Owner.

Mr. Mastriana corrected the crosshatched area shown in Exhibit C. Mr. Mastriana said that they are requesting vacation of the entire alley, with the understanding that the utility easements would stay in place. Mr. Mastriana said that the utilities would go underground but in the same place, and there would be a utility easement along the entire alleyway. Mr. Mastriana stated that the turnaround provision was worked out and approved by Tim Welch.

Discussion followed as to the vacation of the entire alley, the turnaround which would be part of an access easement, a box installed by BellSouth in the middle of the alley between lots 8 and 33, the exact location of the vacation, any physical structures in the alley and the exact location of the turnaround.

Mr. Mastriana said that he was looking for the approval to vacate the entire alleyway with the understanding that either having the alley continue a portion or reserve back an access and utility easement. Mr. Mastriana said that the vacation of the alley would be from 29th through US 1, and retain a utility easement. Chris Barton confirmed that a sidewalk and pavers would be placed in the alley, and no physical structures. Chris Barton asked about the location of the turnaround. Tony Irvine stated that the turnaround would be on the east side of Lot 12.

MOTION BY TONY IRVINE TO RECOMMEND THE VACATION OF THE ALLEY AS SUBMITTED, THE PORTION THAT LIES WEST OF THE EAST 22 FEET OF LOTS 12 AND 29 AND A UTILITY EASEMENT BE RETAINED OVER THE PORTION OF VACATED ALLEY; THE VACATION BE CONTINGENT UPON THE APPLICANT GRANTING AN ACCESS EASEMENT FOR TURNAROUND PURPOSES ON LOT 12 AS SHOWN ON THEIR SKETCH; AND THE

TURNAROUND BE SUBJECT TO ENGINEERING PERMIT APPROVAL. SECONDED BY CHRIS BARTON.

MOTION PASSED UNANIMOUSLY.

ITEM FIVE: VACATION AND REDEDICATION OF AN EASEMENT, 909 BREAKERS AVENUE

Address or General Location: 909 Breakers Avenue

Victor Volpi introduced item stating that at its meeting of September 16, 2004, the Property and Right-of-Way Committee deferred this item in order to get more accurate information as to where our facilities are in this area. He said that it was determined that our force main was not within the dedicated easement area and the applicant was willing to dedicate the proper easement if the City vacated the existing easement.

There was no representative for this item.

Discussion followed as to sketch and legal for the 10-foot old and existing easement and the location of the utilities within the proposed new 10-feet easement.

MOTION BY TOM TERRELL TO RECOMMEND APPROVAL OF THE VACATION OF EASEMENT SUBJECT TO THE APPLICANT DEMONSTRATING THAT IT WOULD ADEQUATELY COVER THE EXISTING UTILITY EASEMENTS. SECONDED BY TONY IRVINE.

MOTION AMENDED BY TONY IRVINE TO ADD SUBJECT TO AN AFFIDAVIT OR AN AS-BUILT SURVEY DEMONSTRATING THE POSITION OF THE UTILITIES RELATIVE TO THE PROPOSED EASEMENT.

MOTION PASSED UNANIMOUSLY.

ITEM SIX: GATE HOUSE, AQUA VISTA BOULEVARD AND N.E. 26TH TERRACE

Address or General Location: NE 26 Terrace, just over the bridge to Aqua Vista Boulevard

Victor Volpi introduced item stating that the homeowners on Aqua Vista Boulevard are requesting a positive recommendation to construct and maintain a guardhouse with gates that will automatically open for any vehicle on N.E. 26 Terrace just over the bridge to Aqua Vista Boulevard. Victor Volpi introduced Michelle Diaz-Mendez, Agent for the Owner.

Ms. Mendez introduced Charles Mudano, a representative from the homeowners on Aqua Vista Boulevard and board member of the Seven Isles Civic Association. Ms. Mendez explained where the gatehouse would be located and stated that the owners of Aqua Vista Boulevard are requesting the gatehouse. Peter Partington asked if this item was discussed elsewhere before coming to the PROW Committee. Ms. Mendez stated that they have met with Tim Welch. Tony Irvine asked if anyone had been in touch with the NCIP Group. Tom Terrell stated that he was in contact with Hal Barnes who

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stated that he would like to be a part of the approval process. Peter Partington stated this would require City Commission approval.

Tony Irvine said that if the PROW agreed in concept, it should then be forwarded to Neighborhood Services.

Discussion followed as to whether this item should go to Hal Barnes, the legal issues, the location of gatehouse, the distance from the proposed gatehouse to the bridge, the width of the paved area of the bridge, and potential traffic hazards.

Mr. Medruno stated that he was working with Cara Jean Nielsen on this project, Community Improvement program, 2 years ago which fell apart after Ms. Nielsen left the NCIP department. Peter Partington said that Neighborhood Services is more familiar with the process and legal documents, and could see this through.

Peter Partington suggested that the committee support this item in principle, that the applicant work with the Neighborhood Services group, or oppose it in principle.

Chris Barton asked if the proposed gatehouse would be entirely within the existing right-of-way. Ms. Mendez said yes.

Discussion followed as to the overhead utilities and relocating the poles and obtaining input from Hal Barnes.

MOTION BY TOM TERRELL TO DEFER. SECONDED BY TONY IRVINE.

Chris Barton asked if the applicant could indicate on the drawing the north and south right-of-way lines on Aqua Vista Boulevard, and the configuration of the existing pavements and sidewalks, particularly on the south side.

Peter Partington said that the applicant would have to demonstrate that Seven Isles Neighborhood was in agreement with their plans.

MOTION PASSED UNANIMOUSLY.

ITEM SEVEN: VACATION OF RIGHT-OF-WAY

Address or General Location: portions of SW 1 Street, SW 21 Terrace, and SW 22 Avenue

Victor Volpi introduced item stating that this item was deferred from the November 18, 2004 meeting. He stated that the State of Florida Department of Transportation (FDOT) would like a positive recommendation to vacate portions of S.W. 1st Street, S.W. 21st Terrace, and S.W. 22nd Avenue to clean up the boundary of public land in this area. Victor Volpi said that there was no title work for S.W. 1st Street and it could be fee simple ownership and not right-of-way. Victor Volpi introduced Eric Thorne, FDOT.

Mr. Thorne stated that this project was for the City of Fort Lauderdale. Mr. Thorne stated that this would be a combination project, the State Transit Development Project in connection with the City's

RFP to develop the west of the site. Mr. Thorne stated that all properties needed to be incorporated to complete the Transit Development Project. Mr. Thorne said that the funding for the land came through FHAA and there has to be a certain amount of number of free parking spaces. Mr. Thorne said that if the vacations are granted, State would then assemble the package, put out an RFP, receive bids and join it together with the City's project.

Peter Partington asked about the ownership of the land. Mr. Thorne said that ownership belongs to DOT.

Mr. Thorne stated that the concept behind this project is grand; it would be a \$500M project.

Discussion followed regarding the portions of street and rights-of-way that need to be vacated and the need for a more detailed map.

MOTION BY CHRIS BARTON TO RECOMMEND THE SUPPORT IN PRINCIPLE THE CONCEPT OF THE REDEVELOPMENT OF THIS AREA AND THE ELIMINATION OR VACATION OF THE LITTLE DOG-EARRED PIECES OF REMNANT LAND, WHEREVER THEY MAY BE, THAT MIGHT AFFECT THE MASTER PLAN. SECONDED BY TOM TERRELL.

Victor Volpi asked Mr. Thorne for a signed, sealed survey of the portions of the vacations. Tony Irvine said that there are issues that are more complicated and a color exhibit would have been helpful.

MOTION PASSED UNANIMOUSLY.

Meeting adjourned at 11:40 A.M.